

Johnson (SD)	Merkley	Shaheen
Kaine	Mikulski	Stabenow
King	Murphy	Tester
Klobuchar	Murray	Udall (NM)
Leahy	Nelson	Walsh
Levin	Pryor	Warner
Manchin	Reed	Warren
Markey	Reid	Whitehouse
McCaskill	Schatz	Wyden
Menendez	Schumer	

## NAYS—44

Alexander	Flake	Murkowski
Ayotte	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Sanders
Coburn	Isakson	Scott
Collins	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Landrieu	Toomey
Cruz	McCain	Vitter
Enzi	McConnell	Wicker
Fischer	Moran	

## NOT VOTING—6

Booker	Cochran	Rockefeller
Boozman	Lee	Udall (CO)

The PRESIDING OFFICER. On this vote the yeas are 50, the nays are 44. The motion is agreed to.

#### NOMINATION OF SHARON Y. BOWEN TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will be up to 8 hours of postcloture consideration of the nomination, equally divided in the usual form.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that with respect to the Harper nomination the motion to reconsider be considered made and laid upon the table and President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, the time following the scheduled recess until 4 p.m. be equally divided and controlled between the two leaders or their designees, and at 4 p.m. all postcloture time be expired and the Senate proceed to vote on confirmation of Calendar No. 755, Bowen; that following disposition of Calendar No. 755, the Senate proceed to vote on cloture on Calendar Nos. 691, Mastroianni; 692, Hendricks; 733, Chutkan in the order listed; further, that if cloture is invoked on any nomination, then, on Wednesday, June 4, 2014, at 11 a.m., all postcloture time on the nominations be expired and the Senate proceed to vote on confirmation of the nominations in the order listed; further, that following these votes, the Senate proceed to vote on cloture on

Calendar No. 798, Burwell; further, that there be 2 minutes for debate prior to each of these votes, equally divided in the usual form; that any rollcall votes, following the first in each series, be 10 minutes in length; that if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, with this agreement we will have four rollcall votes today at 4 p.m. and as many as four rollcall votes on Wednesday at 11 a.m.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

#### NOMINATION OF SHARON Y. BOWEN TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION—Continued

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. will be equally divided between the two leaders or their designees.

Who yields time? If neither side yields time, all time will be equally charged.

Mr. CORNYN. Mr. President, we are not in a quorum call, are we?

The PRESIDING OFFICER (Mr. MANCHIN). The Senator is correct.

## EPA RULE

Mr. CORNYN. Mr. President, 17 years ago the Senate voted on something called a sense-of-the-Senate resolution designed to protect American workers and their families from misguided policy with regard to CO<sub>2</sub> regulations. Of course, CO<sub>2</sub>, or carbon dioxide, is a necessary element of life, and plant life depends on CO<sub>2</sub> for photosynthesis, which helps make them green. To hear some of the pseudoscientists talk about CO<sub>2</sub> here in Washington, you would think it was poison. Suffice it to say, 17 years later the Obama administration is trying to enact similar legislation that was rejected 17 years ago by the Senate in that sense-of-the-Senate resolution.

Back in 1997 Members of the Senate were concerned that the Clinton administration might sign a global climate change treaty that imposed higher costs on the United States while exempting developing countries such as China or India. These concerns turned out to be well-founded. The Clinton administration did indeed sign such a

treaty known as the Kyoto Protocol in December of that year, but it never got around to having it ratified here in the Senate largely because of a unanimous resolution this Chamber passed several months earlier.

The sense-of-the-Senate resolution I alluded to a moment ago was voted on in July 1997, and it received 95 votes in favor and 0 votes opposed. Ninety-five Senators expressed their opposition to any climate change agreement that would result in serious harm to the economy of the United States. They also rejected any agreement that failed to include other countries, and that is for good reasons I will explain in a moment.

The message sent by these 95 Senators—a unanimous vote in the Senate—is pretty clear. It makes absolutely no sense for America to adopt job-killing carbon regulations while CO<sub>2</sub> emissions from developing countries continue to skyrocket and are not subjected to the same restrictions.

Don't just take my word for it. Listen to what one of the most prominent supporters of the 1997 resolution, Secretary of State John Kerry—at the time he was the junior Senator of Massachusetts—had to say:

It's just common sense that if you are really going to do something to effect global climate change, and you are going to do it in a fair-minded way . . . we need to have an agreement that does not leave enormous components of the world's contributors and future contributors of this problem out of the solution.

In effect, what he was saying was: Why would America do this to itself and throw a wet blanket on job creation and economic growth when other countries were going to continue to produce CO<sub>2</sub> unabated?

One of the cosponsors of this resolution was the late Democratic Senator Robert Byrd. The Presiding Officer knows Senator Byrd and his legacy very well. While explaining his opposition to the Kyoto-style climate deals, Senator Byrd said:

I don't think the Senate should support a treaty that requires only half of the world . . . to endure the economic costs of reducing emissions while developing countries are free to pollute the atmosphere, and in so doing, siphon off American industries.

Another cosponsor was Secretary of Defense Chuck Hagel, who was then the junior Senator from Nebraska. He described the likely consequences of Kyoto-style agreements in these terms:

As industries flee the United States and other industrialized countries, they would re-establish themselves in developing countries that have much weaker environmental standards than our own.

I have just one more point about the Kyoto Protocol, which was unanimously voted down, in essence, 17 years ago.

A year after that, in 1998, there was a then-unknown Illinois State senator who voted on legislation that denounced Kyoto and prohibited State regulation of greenhouse gases in Illinois. If you guessed it was Barack Obama, you would be right.

One of the State senators voting in favor of the bill, condemning Kyoto, and banning State regulations of greenhouse gases in Illinois was Barack Obama. President Obama voted for legislation that explicitly rejected the type of CO<sub>2</sub> regulations that he is now trying to impose on the entire U.S. economy.

Yesterday I discussed some of the costs of those regulations, how enormous they would be, and how they would disproportionately fall on the poor and middle class in our country. The truth is most of the burden of higher energy costs would fall on retired people, seniors, and people on a fixed income.

In my State our electricity capacity is regularly strained due to the hot August summers. People in my State depend on their air conditioners for safety. The threat of limited access to electricity, or higher costs that people can't afford, literally threatens their health and safety, and certainly their welfare. Lost jobs, lost wages, higher utility rates, and tighter family budgets are the inevitable consequences of this proposed EPA rule that was announced late last week.

For that matter, the EPA has also proposed another rule on new powerplants that would impede technological innovation. Several of my Democratic colleagues expressed their deep concern about the additional EPA rule in a recent letter to the President. These seven Democrats noted that "American technology providers would be incentivized to stop research and innovation in coal combustion, further delaying domestic development of pioneering new technologies that could be exported to improve plants around the world."

Earlier today one of these Democrats who signed the letter, and happens to be the Presiding Officer at this time, said the Obama administration was "working against us" on CO<sub>2</sub> regulations, and he described the EPA proposals as "unreasonable and unacceptable." This is obviously not a partisan issue by any means.

Any regulation that is this costly is almost impossible to justify unless it was to have clear benefits that outweighed those costs. President Obama's EPA rule can't lay claim to having enormous benefits in spite of these huge costs.

Even if you agree with my friends about the long-term risks posed by rising CO<sub>2</sub> emissions, and that this sort of regulation is justified, the projected growth of global emissions over the coming decades has almost nothing to do with America and almost everything to do with developing countries such as China and India.

Indeed, our emissions have gone down over recent history. Some of that has been due to the renaissance of natural gas, which burns cleaner. But the fact is that anything we would do would be confined to the United States and our economy and would have no

impact whatsoever on developing countries such as China and India. Indeed, China—by a very wide margin—is already the planet's largest CO<sub>2</sub> emitter. The U.S. Government estimates that China alone will account for nearly half of all growth in worldwide emissions between 2010 and 2040.

In short, nothing America does by itself or to itself will stop global emissions from rising. In fact, even if we could magically reduce our own emissions to zero over the next quarter century, worldwide emissions would still increase significantly without major reductions in China, India, and other developing countries.

Yet, despite all these costs to American workers and American families—literally a threat due to the lack of grid capacity in places such as Texas because of high-priced energy—President Obama is moving ahead with this massive new energy tax that is effectively, in the words of our colleague from Louisiana, all pain and no gain, and he is right.

To put this in context, I think it is important that anyone who happens to be listening understands a few points.

No. 1, regardless of what the President calls it, the proposed EPA rule is indeed a massive new national energy tax, one that will affect all workers, all consumers, and all families in America.

No. 2, the reason it is being enacted via the regulatory process is because Members of the Senate rejected it 4 years ago at a time when even our Democratic colleagues had a supermajority. In other words, they could have done it when they wanted to when the Senate controlled the White House and both Chambers of Congress, but they chose not to do it then.

No. 3, it fits with a broader and deeply disturbing matter. Time and time again, the President has used unelected bureaucrats to skirt the normal legislative progress and override the will of Congress and avoid any kind of electoral accountability.

The point is this: When the President, who is not going to stand for election again, gets the Environmental Protection Agency to issue regulations, those bureaucrats don't run for election. The American people—my constituents in Texas and the Presiding Officer's constituents in West Virginia—can't vote the rascals out of office, so there is no accountability in the system. That is what the President was bragging about when he said: I have a phone, and I have a pen. He was effectively saying he was going to do it alone, and that is what he is trying to do here.

The result has been a misguided explosion of burdensome and onerous regulations, and those have a cost to our economy. The last quarter—the last 3 months of the year—we learned that instead of the economy growing in a way that will create more jobs and reduce unemployment, the economy actually contracted. It shrank by a full

percentage point. One of the reasons why the economy shrank is because of overly burdensome regulations where there is no cost-benefit analysis, much less any cost-benefit calculus whatsoever.

According to one estimate, between 2009 and 2013, Federal regulatory costs increased by nearly \$500 billion—a truly astonishing figure. Not only have these regulations proven to be onerous and unwieldy, they have been implemented by agencies that are hopelessly incompetent at handling even basic responsibilities.

As my friend the junior Senator from Oklahoma said a few years ago:

It is absurd to allow an agency as incompetent as the EPA to exercise vast new powers when they can't manage less complex tasks. If the EPA can't train 250,000 contractors to manage lead paint rules . . . why should we expect them to regulate the energy-consuming processes used in every sector of the economy?

If this competence question of a huge bureaucracy sounds familiar, I think we are now learning that when the hubris overcomes the good judgment of leaders here in Washington and decides to take over one-sixth of the economy, which is our health care sector, you get ObamaCare and the disaster that has proven to be in terms of its implementation.

None of the essential promises that were made about how it would actually work have been kept. In other words, if you like what you have, you can keep it, the price would go down \$2,500 for a family of four, and, yes, you can keep your doctor. None of those promises have proven to be true. Yet those were the promises upon which ObamaCare was passed. Now we see the administration make additional extravagant promises that can only be borne out of hubris based on what we have seen as the implementation of ObamaCare.

Not only have these regulations proved to be onerous, they are not going to work the way the administration predicts, except we are pretty sure it will kill jobs and reduce economic growth and further extend this lengthy recession which has been the slowest economic recovery in America since the Great Depression.

At a time of mass unemployment and historically low levels of labor force participation, America needs an energy policy that is projobs and proworker and profamily. This new EPA rule is the opposite of that. It would destroy jobs, it would hurt workers, and it would hurt consumers because it would raise the cost of living for middle-class families, including people on fixed incomes such as seniors. The fact that such a regulation is even being considered not in Congress but in the executive branch agencies such as the EPA, amid the weakest economic recovery since the Great Depression, illustrates once again how misguided this administration's priorities truly are.

I wish to clarify once again that the debate over President Obama's EPA

rule is not about the science of climate change; it is a debate about whether massive regulations should be forced to pass a simple cost-benefit analysis. The EPA rule clearly fails that test.

For all of those reasons and plenty more, we will be continuing to urge President Obama, from this side of the aisle but in a bipartisan way, to put jobs and families ahead of politics and ideology.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. I ask unanimous consent to speak for 9 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BURWELL NOMINATION

Mr. PORTMAN. Mr. President, I appreciate the Presiding Officer allowing me to speak this afternoon. I am speaking in the context of a nomination we are likely to consider on the floor this week. I am told on Thursday we are going to be asked to confirm the President's nomination of Sylvia Burwell to be the next Secretary of Health and Human Services.

This is a very important job for a number of reasons. One reason is it is the job in charge of implementing the Affordable Care Act, otherwise known as ObamaCare. Therefore, I think it is an appropriate time to talk about the urgent need for us to address some of the continuing problems we have had with implementation.

This whole subject of ObamaCare of course has divided this Chamber pretty sharply over the last few years. Part of the reason is it was forced through the Congress without a single bipartisan vote; in other words, all Democratic votes and not a single Republican vote. Also, it was pushed through quickly, so it resulted in a lot of problems. We have seen that in terms of the implementation of ObamaCare generally, including some of the computer problems and some of the concerns people have about having their health care canceled and so on.

I wish to speak about a specific issue with regard to implementation, one on which I hope we could be together, that this issue would unite us as Republicans and Democrats—that we would take forceful action to deal with it. It is an issue I think all of us agree on because it has to do with the taxpayers. It has to do with money that might be going out under ObamaCare that is not appropriate. It is ensuring that the subsidy payments in ObamaCare are going to the people who actually qualify for them.

As this Chamber knows, the subsidies started to flow on January 1. ObamaCare provides subsidies to health care premiums for low- and middle-income Americans who don't qualify for Medicaid. They are not under

the poverty line but are above the poverty line; actually, above 133 percent of the poverty line. In fact, people who earn up to 400 percent of the poverty line are eligible for these subsidies. Recently, the Kaiser Foundation estimated the number of people who can legally qualify for these funds and receive them is about 6.6 million Americans. These subsidies can be fairly large. They can exceed \$10,000 a year, for instance, for a family of four. So we are talking about billions of dollars of taxpayer money. The question is, Are they going to the right people? I think, because there is so much money involved, the American people should be able to rightly expect that the government has in place a system to ensure that the people who are supposed to get it are getting it and to ensure that those who are claiming the subsidies and receiving the taxpayer dollars are eligible for them.

In January of this year, in response to a requirement actually attached to legislation that passed the Senate called the Ryan-Murray budget—in response to that legislation where there was a requirement that there be some sort of process put in place—the Secretary of Health and Human Services, Kathleen Sebelius, ensured Congress in a letter that HHS had “implemented numerous systems and processes to carry out” income verification procedures.

So she sent a letter to the Congress saying: Don't worry about it. We have it covered. We have implemented numerous systems and processes to carry out income verification procedures.

Unfortunately, what we are finding out now—and here we are, gosh, 6 months later—is that a lot of those assurances might not be accurate, that it appears as though they have not put in place these processes.

The Washington Post wrote a recent article that got my attention. It got my attention because it reported that, in fact, no permanent system has been built that is capable of verifying those eligible to receive the subsidies. In fact, according to internal reports that were obtained by the Washington Post, since no computer capability for verifying eligibility yet exists, Health and Human Services will begin sorting through all these applications by hand at some indefinite date in the future.

So this is concerning. These internal reports are not reports we have here in Congress. They are not reports my constituents have. The American people have not been able to see these reports. But the Washington Post got hold of some that showed, in fact, they have not put in this permanent system or an automated system of any kind that you would normally expect with this kind of money going out the door.

So here we are in 2014 and the U.S. Government is going to comb through, I guess by hand, literally millions of documents of people who are claiming subsidies—by hand—and try to figure out how to deal with it. It is like something out of a bad movie, but it is not a laughing matter because the consequences are significant.

The Washington Post reports that the government may already be paying incorrect subsidies to more than 1 million people, although that is just a best guess. These fraudulent payments—if that is accurate—of course, would then be costing the American taxpayers millions, maybe billions of dollars.

When news broke about this problem last month through this story in the Washington Post, I wrote a letter to Secretary Sebelius at the Health and Human Services agency. I also wrote it to the IRS Commissioner because the obvious thing to do would be to check the information that is given with the IRS records to see whether the 1040 matches up with what you are saying your income is.

In the letter, I said: Can you give us the answers about these very serious questions that have been raised, and can you tell us what the Department of Health and Human Services is doing about this?

I asked for a response by June 1. It is now past June 1 and I have received nothing but silence in response. That is why I have come to the floor today to say, look, I do not think anybody on either side of the aisle in the Senate thinks this is acceptable. Some on the other side might say: Well, we are more concerned about people who are not getting the subsidies they are eligible for because the verification is not in place to help them. That is fine. The point is that the subsidies ought to go to the people who are eligible. Whether they are overstating or understating their income and therefore made eligible or not eligible, there ought to be a system in place. That is a minimum requirement, I would think, that we would all want to have in place to be able to, again, save these payments from going out in a fraudulent way, to the tune of what could be billions of dollars. I cannot imagine anyone thinks the current situation is acceptable.

So we are going to see if HHS gets its act together and gets serious about enforcing these rules. I think it is going to require new leadership. That is why I am hoping that with the nomination and debate this week of Sylvia Burwell to be the next Secretary of HHS, we can have a discussion about this issue and that she can provide some of that new leadership from the top to ensure that indeed we do have accountability through the system and we can figure out whether this situation will be resolved.

Unfortunately, I think it is also going to require leadership from the top-top, meaning from the White House as well. This is not an isolated incident, unfortunately, of incompetence, I would say, on behalf of our Federal Government in implementing in this case a very complicated law. We have seen this recently with the scandal

that has involved the VA—the VA health system—another big complicated system that is obviously not working to take care of the needs of our veterans, who should be at the front of the line receiving the best care and too often we find out are at the back of the line or maybe are not on the list at all, as we saw with regard to the Phoenix VA center, where 1,700 people were just taken off the list altogether. We have seen it with regard to the IRS scandal, where you have the Internal Revenue Service actually going after Americans because of their political beliefs. Nothing could be more wrong in terms of building faith and trust in our Federal system than to think that the tax collector is going after folks because of their political beliefs.

So all these recent issues that have come up of incompetence and of the government not keeping the trust are bad. It is bad even in good times. Today is not good times because already that faith in the Federal Government is at record lows. The faith in this institution is at a record low, they say.

It should be our responsibility to begin to rebuild that faith by doing what makes sense. What is going on at HHS does not make sense. Everyone knows there needs to be a system in place and a permanent automated system to deal with this; the same with the VA, the same with the IRS. I hope we see that kind of leadership. I hope we can do that because it is the right thing to do for taxpayers, but it also rebuilds trust in the American Government system. To do that is going to require some serious and immediate action.

In the case of HHS, I call on the administration today to make good on the promise they made in January where they said: No problem. We have it covered. We have a system in place to ensure that there are not mispayments going out, that only folks who are eligible are going to get these payments.

In the process of Sylvia Burwell's nomination, let's raise this issue. Let's encourage her to show leadership at HHS to be able to deal with this issue. Let's ensure that subsidies are going to the right people and that taxpayers are being protected.

I thank the Presiding Officer for the time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STUDENT LOAN DEBT

Mr. DURBIN. Mr. President, during this last break I went back to Illinois and visited a lot of college campuses. I

went to Augustana College, which is in the Quad Cities, and then went to Illinois State University in Normal, IL, and then down to the University of Illinois.

At each one of those campuses I had a press conference about student debt. Student debt today has reached a point where we have to pay close attention to it—and we should. The vast majority of Americans ask a very basic question: Senator, is there anything you are doing today that really is going to help my family? For 44 million Americans currently paying on student loans in America, legislation that is going to be introduced tomorrow can make a big difference.

I am cosponsoring a bill with ELIZABETH WARREN, the Senator from the Commonwealth of Massachusetts, a very bright lady who was on the faculty of the Harvard Law School and who understands these issues better than almost anyone I have ever met. She is leading the way on a college student loan refinancing bill.

Here is what we are trying to do. We are trying to get those students who are trapped in big debts with high interest rates a chance to refinance their loans. How significant could it be? Well, when I met these students at different schools, they told me their stories. As a former college borrower myself, as a father raising three kids who went through college, it was sad. It was really sad to hear their stories because the amount of debt that students are running into now is dramatically higher than anything those of us who were in the early stages of college loans ever experienced.

I will not even tell you how much I borrowed because it makes me sound ancient. But it scared me to death when I borrowed that money to go through college and law school for fear I would never pay it back. It turns out I did as I was supposed to. But students today many times find themselves so deeply in debt they just cannot get out from under it.

Now, I am going to set over here on this side a whole category of speeches on institutions known as for-profit colleges and universities. They are in a special place in my thinking. For-profit colleges and universities, who are they? The biggest one is the University of Phoenix. Apollo Group owns a series of universities. You have seen their advertising, I will bet.

They, at one point, had over 450,000 students in this University of Phoenix network of schools across the country. The second biggest is DeVry, another for-profit university out of my State of Illinois. Kaplan is the third largest. I am going to set them over here because they are in a special category. They are in a category of colleges and universities that we ought to be doing something about.

Three numbers tell the story about the for-profit colleges and universities. Ten percent of high school graduates go to for-profit colleges and univer-

sities. Ten percent of America's high school graduates go to these schools. These schools receive 20 percent of all Federal aid to education—10 percent of the students, 20 percent of the Federal aid.

These for-profit colleges and universities receive over \$32 billion a year in Federal aid. Why is it so much if they only have 10 percent of the students? Because they charge so much when it comes to tuition. But here is the number: 46. Forty-six percent of all student loan defaults are students out of for-profit colleges and universities.

Why? Worthless diplomas, too much debt, and the students cannot find work to pay off their debts. Now, what if you have a college loan? There is something you ought to know about it. You probably heard it. It bears repeating. There are only a handful of debts in America that you can incur as an American citizen that cannot be discharged in bankruptcy: taxes—you have to pay those—child support, alimony, and college student loans.

No matter what happens to you financially, there is virtually no way out. The loan you take out to go to college is with you for a lifetime. Even in bankruptcy you cannot discharge it. At the end of bankruptcy, it is still sitting there. Unfortunately, the interest is growing.

That is why we have to take a look at it. Let's move aside from the for-profit college world, which I think is a separate issue, but a very important one, and look at the big picture. For too many Americans the promise of a fair shot at an affordable college education has become a long shot. Average tuition and fees at 4-year public colleges has more than tripled in the last 30 years. I can guarantee you that income for American families has not tripled in that same period.

Tuition has outpaced inflation for 32 straight years. The cost of education at all colleges and universities has been going up dramatically. No other major consumer expenditure, including health care, can make that claim. It is not just low-income students who feel the impact of these rising costs. It is middle-income students and their families as well. Since 2003 the amount of student loan debt in America has quadrupled. Nationally there are now almost 40 million borrowers with more than \$1 trillion in debt. There is more student loan debt in America today than the combined sum total of all credit card debt. That is more than there is in auto loans. Only mortgages would be a higher category of debt in terms of its total cost.

The average student loan debt increased by 49 percent between 2005 and 2012 to \$27,850. On average, Illinois graduates in the class of 2012 left with a little over \$28,000 in debt, but their individual debts, as you might guess, are much higher; and 1.7 million Illinoisans have outstanding student loan debt out of a population of about 12.5 million.

What effect does \$1 trillion in student loan debt have on the American economy. The Federal Reserve warns us that it is threatening current and future economic growth. The student loan debt crisis has been compared to the mortgage crisis we went through 8 or 9 years ago. It is ingrained in American culture that each successive generation wants to do better than the previous one. But student loan debt is crippling middle-class growth for younger generations.

Currently the median household wealth of people my age, in the 55-to-65 bracket, is 44 times the net worth of the median household of people younger than 35. People under the age of 35 are struggling. This is historically unprecedented and has a lot to do with the student loan debt.

I have heard from so many people in my State about this issue. They say student loan debt is preventing them from buying a car, borrowing any more money to finish their education, having their own place to live, getting married and, once married, having children. I have met couples who have said: We made a family decision; no kids until we pay off the student loans; I am not sure we will be able to pay them off in time to make that decision.

Think about that for a second. They cannot even start a family because of the student debts and the fear that they are going to default on them. I heard it firsthand back in Illinois last week. One student I met, Mabinty Tarawallie, is struggling with student loan debt even though she has done everything right. She immigrated to the United States from Africa when she was 11 years old. Her family was very poor but they told her: You have to have an education.

She graduated from high school, went to a local community college—a good place to start—and completed her undergraduate degree in sociology at the University of Illinois.

She told me she wanted to help others pick themselves up out of poverty as she did, so she went to graduate school for a master's degree in social work. She recently graduated from a program at the University of Illinois. Although she was able to get through her undergraduate years without much debt, she spread out her graduate studies over 3 years as she was raising her family of three kids.

She had one graduate assistantship, but she had to pay for the rest with loans. To compound this problem, her husband, another University of Illinois graduate student in education, also has student loans. Together, Mabinty and her husband, now that they have completed their degrees, have a debt of \$150,000. One wants to be a social worker and the other wants to be a teacher.

Now she worries about how her family is going to be able to cope, with debt three times the annual salary she might receive as a social worker. The irony is even as a college degree becomes harder to afford for the middle

class, it is more important than ever that people get educated, trained, and skilled for better jobs. Only college-educated workers have had wage gains in the past 30 years. If you don't go the college route, your chances of success are diminished dramatically. That is why we want to address these serious issues.

This bill I am talking about, the one we are going to introduce tomorrow, will give students with college student loan debt who are current on their loans an opportunity to refinance.

I talked to Mabinty and other students. It meant for her that her interest rate would come down from 6.8 percent to 3.8 percent. If you have ever gone out to get a mortgage or you know somebody who did, they will explain to you that 3 percent of your interest rate is a big deal. If you can get your interest rate reduced by 3 percent, your chances of paying off the principal are going to be a lot better.

This bill I have cosponsored with ELIZABETH WARREN, JACK REED, and others is called the Bank on Students Emergency Loan Refinancing Act. It will help millions of current borrowers refinance their Federal or private student loans into these lower Federal interest rates. Those with Federal loans can refinance into lower rates, the same rates available to students who took out new loans this year.

Under the Warren bill, those with private loans—many of whom have sky-high interest rates and are facing collection agencies beating up on them—can refinance with Federal loans with lower rates and strong consumer protection. Refinancing, incidentally, is fully paid for. This is a point I want to make, because this is where we lose the other side of the aisle. This is where we can't find bipartisan cosponsorship for refinancing college loans.

Here is how we pay for it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DURBIN. I ask for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Most of us have heard the name Warren Buffett, one of the wealthiest men in America. He raised the question a few years ago: Why, in America, is my income tax rate as a multimillionaire lower than my secretary's income tax rate? There is an explanation in the Tax Code, but it isn't a very good one. Warren Buffett said I should be paying more than she is paying. So we have come up with something called the Buffet rule, which says if you are in the multimillionaire category, you are going to pay a higher income tax rate than your secretary.

What a radical idea that is. I am just kidding. I think it is reasonable, and that is how we pay for refinancing college loans.

The problem is that we go to the other side of the aisle and say: We want to refinance college loans. It is going

to take some money to do it. We will put in the Buffett rule so millionaires pay more in their income taxes. They say: We don't want any part of it. We will not increase taxes on anybody.

Well, by taking that position, they are sticking 44 million Americans with college loan debt at higher interest rates and all the problems they generate.

Which is better, that millionaires pay a little more so working families across America have a fair shot of paying off their college loans or saying we are not going to touch the Tax Code for any reason whatsoever—and isn't it a darn shame for these students and their families.

Well, it is pretty obvious to me what we should be doing.

I met Shiann Poshard last week at Illinois State University. She graduated with a teaching degree and about \$30,000 in student debt. She has a job, and she is going to be teaching in public schools in Eureka, IL. Even so, on a first-year teaching salary—with an upcoming wedding, incidentally—her student loan debt will undoubtedly be a burden. If she is allowed to refinance her loan, which she took out at 6.8 percent, she could cut her interest rate almost in half. That will make a big difference.

Tomorrow, when this legislation is introduced, I hope anyone who has a family, where they have borrowed money for college, who has a son or daughter deep in debt and wondering how they are going to get out from under it, contact your Senator or your Congressman and ask them: Are you going to be part of this college student loan refinancing effort?

I hope they will say yes. We need bipartisan support to help these students out of the debt they are facing today.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote on the confirmation of the nomination.

Mr. DURBIN. I ask unanimous consent to yield back all time on the pending nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2018?

Mr. JOHANNIS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. The senior Senator from Michigan.

Mr. LEVIN. On this vote I have a pair with the Senator from New Jersey [Mr. BOOKER]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay;" therefore, I withhold my vote.



Mr. DURBIN. I announce that the Senator from New Jersey, (Mr. BOOKER) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted "nay" and the Senator from Utah (Mr. LEE) would have voted "nay".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 167 Ex.]

#### YEAS—48

Baldwin	Hagan	Murphy
Begich	Harkin	Murray
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Boxer	Hirono	Reid
Brown	Johnson (SD)	Rockefeller
Cantwell	Kaine	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall (NM)
Donnelly	Markey	Walsh
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden

#### NAYS—46

Alexander	Graham	Paul
Ayotte	Grassley	Portman
Barrasso	Hatch	Risch
Blunt	Heller	Roberts
Burr	Hoeven	Rubio
Chambliss	Inhofe	Sanders
Coats	Isakson	Scott
Coburn	Johanns	Sessions
Collins	Johnson (WI)	Shaheen
Corker	Kirk	Shelby
Cornyn	Landrieu	Thune
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Enzi	Moran	Wicker
Fischer	Murkowski	
Flake	Nelson	

#### PRESENT AND GIVING A LIVE PAIR—1

Levin

#### NOT VOTING—5

Booker	Cochran	Udall (CO)
Boozman	Lee	

The nomination was confirmed.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Mark G. Mastroianni, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Harry Reid, Patrick J. Leahy, Al Franken, Barbara Boxer, Christopher A. Coons, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Carl Levin, Bill Nelson, Amy Klobuchar, Robert P. Casey, Jr., Elizabeth Warren, Sheldon Whitehouse, Mazie K. Hirono, Tom Harkin, Tom Udall.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to the vote.

Mr. REID. Mr. President, I ask unanimous consent to yield back the time.

The PRESIDING OFFICER. Is there objection? Without objection, all time is yielded back.

By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Mark G. Mastroianni, of Massachusetts, to be United States District Judge for the District of Massachusetts shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 39, as follows:

[Rollcall Vote No. 168 Ex.]

#### YEAS—56

Ayotte	Harkin	Murray
Baldwin	Heinrich	Nelson
Begich	Heitkamp	Pryor
Bennet	Hirono	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kaine	Rockefeller
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Walsh
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden
Hagan	Murphy	

#### NAYS—39

Alexander	Flake	Moran
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Corker	Isakson	Sessions
Cornyn	Johanns	Shelby
Crapo	Johnson (WI)	Thune
Cruz	Kirk	Toomey
Enzi	McCain	Vitter
Fischer	McConnell	Wicker

#### NOT VOTING—5

Booker	Cochran	Udall (CO)
Boozman	Lee	

The PRESIDING OFFICER. On this vote the yeas are 56, the nays are 39. The motion is agreed to.

#### NOMINATION OF MARK G. MASTROIANNI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Mark G. Mastroianni, of Massachusetts, to be United States District Judge for the District of Massachusetts.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Bruce Howe Hendricks, of South Carolina, to be United States District Judge for the District of South Carolina.

Harry Reid, Patrick J. Leahy, Al Franken, Barbara Boxer, Christopher A. Coons, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Carl Levin, Bill Nelson, Amy Klobuchar, Robert P. Casey, Jr., Elizabeth Warren, Sheldon Whitehouse, Mazie K. Hirono, Tom Harkin, Tom Udall.

The PRESIDING OFFICER. There will now be 2 minutes of debate on the motion to invoke cloture.

Mr. CARDIN. Mr. President, we yield back the time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Bruce Howe Hendricks, of South Carolina, to be United States District Judge for the District of South Carolina, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

The PRESIDING OFFICER (Ms. WARREN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 59, nays 35, as follows:

[Rollcall Vote No. 169 Ex.]

#### YEAS—59

Ayotte	Coons	Johnson (SD)
Baldwin	Donnelly	Kaine
Begich	Durbin	King
Bennet	Feinstein	Klobuchar
Blumenthal	Franken	Leahy
Boxer	Gillibrand	Levin
Brown	Graham	Manchin
Cantwell	Hagan	Markey
Cardin	Harkin	McCain
Carper	Heinrich	McCaskill
Casey	Heitkamp	Menendez
Collins	Hirono	Merkley